

SAFETY & HEALTH PROTECTION ON THE JOB

KENTUCKY OCCUPATIONAL SAFETY & HEALTH PROGRAM

The Kentucky Revised Statutes, Chapter 338, establishes within the Labor Cabinet a program for occupational safety and health. This program provides for safety and health protection for all workers, public or private, throughout the Commonwealth. The single purpose of the program is implemented through dual functions of two divisions, namely the Division of Compliance and the Division of Education and Training. For additional information, please contact the Kentucky Occupational Safety and Health Program at 502-564-3070.

Employer Responsibilities:

Each employer shall furnish to each of his employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees, and shall comply with occupational safety and health standards adopted and promulgated pursuant to KRS Chapter 338.

Employee Responsibilities:

Each employee shall comply with occupational safety and health standards and all rules, regulations and orders issued pursuant to KRS Chapter 338 which are applicable to his own actions and conduct.

Standards:

The occupational safety and health standards enforced throughout the Commonwealth are adopted and promulgated by the Kentucky Occupational Safety and Health Standards Board. The Standards Board consists of 13 members, comprised of the Secretary of Labor, who serves as Chairman, and 12 other members equally representing industry, labor, agriculture and the safety and health profession. The Standards Board convenes semiannually and at other times as needed for the purpose of adopting and promulgating occupational safety and health standards. All meetings are open to the public. Additional information concerning the Standards Board and written interpretations of the standards can be obtained from the OSH Regulations Development and Interpretations Office.

Inspections:

The Division of Occupational Safety and Health Compliance conducts periodic inspections at places of employment to determine the cause, or to prevent the occurrence, of occupational injuries or illnesses.

The law requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the Compliance Officer for the purpose of aiding the inspection. Where there is no authorized employee representative, the Compliance Officer must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

Complaints:

Employees or their representatives have the right to file a complaint with the Division of Occupational Safety and Health Compliance, requesting an inspection if they believe unsafe or unhealthful working conditions exist in their workplace. The names of the complaining parties will be withheld upon request. Employees are protected by both state and federal law against discharge or discrimination for having filed safety and health complaints or for having exercised any other rights provided by the occupational safety and health laws. Any employee, in the public or private sector, who feels he has been so discriminated against may file a complaint within 120 days of the alleged discrimination. Private sector employees have the option of filing discrimination complaints with the U.S. Department of Labor within 30 days.

Citations:

A citation alleging violations of the law may be issued to an employer once an inspection has been made. Citations specifying a time period in which the alleged violations must be corrected are mailed to employers from the Division of Occupational Safety and Health Compliance. Employers are required by law to promptly display the citation for employee information at or near the place of the alleged violation for 3 days or until the violation has been corrected, whichever is longer. Questions concerning citations should be addressed to the Director, Division of Occupational Safety and Health Compliance.

Proposed Penalties:

The law provides for mandatory penalties against employers of up to \$7,000 for each serious violation and for optional penalties of up to \$7,000 for each other-than-serious violation. Penalties of up to \$7,000 per day may be proposed for failure to correct violations within the specified time period. Also, any employer who willfully or repeatedly violates the law may be assessed penalties of up to \$70,000 for each such violation, but not less than \$5,000 for each willful violation.

Contesting Procedures:

Any employer to whom a citation or a notice of proposed penalty has been issued may notify the Division of Occupational Safety and Health Compliance, of the intent to contest such citation or notice of proposed penalty before the Kentucky Occupational Safety and Health Review Commission. Likewise, any employee (or representative of an employee), whose employer has received a citation, may file a written notice with the Division of Occupational Safety and Health Compliance

contesting the citation, the abatement period or the penalty. All such notices of contest shall be postmarked within 15 working days of the receipt by the employer of the citation and notice of proposed penalty. Such notices will be transmitted to the Review Commission in accordance with the rules of procedure prescribed by the Commission.

Records and Reports:

Employers throughout the Commonwealth with 11 or more employees are required to maintain up-to-date records of occupational injuries and illnesses. Recordkeeping forms and information concerning recordkeeping requirements may be obtained from the Division of Education and Training for Occupational Safety and Health.

Any employment accident or illness which results in a fatality or the hospitalization of 3 or more employees must be reported to the Division of Occupational Safety and Health Compliance within 8 hours. A mechanical power press (point of operation) injury must be reported within 30 days.

Education and Training Services:

The Division of Education and Training for Occupational Safety and Health assists employers and employees interested in reducing workplace injuries voluntarily, and encourages the development and improvement of safety programs in all workplaces. This assistance is free and is provided through numerous services: **on-site consultations, training courses, and a variety of self-help informational and technical publications.** To request any of these services, or to obtain additional information without obligation, contact the Division Director.

Federal/State Relations:

The Commonwealth is providing job safety and health protection for workers throughout Kentucky under a plan approved in July 1973 by the U.S. Department of Labor. Any individual having a question or problem regarding state administration may address such issues to the Kentucky Occupational Safety and Health Program, 1047 U.S. 127, Suite 4, Frankfort, Kentucky 40601.

The state plan is monitored by the U.S. Department of Labor to assure that continued approval is merited. Any person who has a complaint regarding the state administration of the plan may contact the Regional Office of the U.S. Department of Labor, 1375 Peachtree Street, N.E., Suite 587, Atlanta, Georgia 30367; (404) 347-2283.

Additional Information:

The occupational safety and health offices are located at 1047 U.S. 127 South, Suite 4, Frankfort, Kentucky 40601. Compliance Officers and Consultants stationed throughout the state further the purposes of the program by bringing its services quickly and efficiently to all areas of Kentucky.

"No individual in the United States shall on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Labor Cabinet."


Joe Norsworthy, Secretary
Kentucky Labor Cabinet

